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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

The Church of the Eagle and the Condor *et al.*,

Plaintiffs,

vs.

Merrick Garland *et al.*,

Defendants.

Case No. 2:22-cv-01004-SRB

**JOINT MOTION FOR ORDER
ENTERING CLAWBACK
AGREEMENT AND FEDERAL
RULE OF EVIDENCE 502(d)
ORDER**

The parties jointly move for entry of an order pursuant to Fed. R. Evid. 502(d), lodged together with this motion, to protect the parties against waiver of any privileges, protections, or immunities attaching to documents produced in this action.

The parties anticipate that privileged documents may be produced in this action. Absent an order from the Court, under certain circumstances, production of privileged documents can operate as a waiver of any applicable privilege, protection, and/or immunity with respect to disclosure. Fed. R. Evid. 502(d) provides that “[a] federal court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court—in which event the disclosure is also not a waiver in any other federal or

1 state proceeding.” Rule 502(d) is intended to expedite discovery and save costs in matters
2 involving large volumes of documents and ESI, by reducing or eliminating the risk that
3 disclosure will result in waiver of privileges. Fed. R. Evid. 502(d), Advisory Committee Notes
4 (2007). These factors support entry of an order under Fed. R. Evid. 502(d).

5 The parties therefore respectfully request that the Court issue the parties’ Proposed
6 Order Pursuant to Fed. R. Evid. 502(d).

7 Respectfully submitted this 6th day of July, 2023.

8
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13 /s/ Giselle Barcia
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